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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 PETER V. WAGNER,

11 Plaintiff,

12 v.

13 THE FISHING COMPANY OF ALASKA,  
14 INC., *et al.*,

15 Defendants.

Case No. C06-1634RSL

ORDER GRANTING PLAINTIFF'S  
MOTION TO RELINQUISH  
SUPPLEMENTAL JURISDICTION

16 This matter comes before the Court on "Plaintiff's Motion to Relinquish  
17 Supplemental Jurisdiction." Dkt. # 81. Plaintiff recently settled his unseaworthiness, Jones Act,  
18 and maintenance and cure claims against the ship on which he was injured (the F/V ALASKA  
19 VICTORY) and the shipowner (The Fishing Company of Alaska). He now requests that the  
20 Court decline to exercise supplemental jurisdiction over the battery, Consumer Protection Act,  
21 negligence, informed consent, and respondeat superior claims plaintiff had asserted against  
22 defendants Kamson and Washington Spine Diagnostics Center, PLLC (collectively, "the  
23 Kamson defendants"). The Kamson defendants oppose the request, arguing that the Court has  
24 original jurisdiction over plaintiff's remaining claims or, in the alternative, that considerations of  
25 economy, convenience, and fairness require that the Court hear the remaining claims.

26 Contrary to the Kamson defendants' primary argument, the Court's jurisdiction to  
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1 hear the claims asserted against them arises under 28 U.S.C. § 1367. See First Amended  
2 Complaint (Dkt. # 11) at ¶ 2.3 (“The court has jurisdiction over Mr. Wagner’s claims against Dr.  
3 Kamson pursuant to 28 U.S.C. § 1367.”); The Fishing Company’s Cross-Claim (Dkt. # 31) at ¶  
4 1 (“This court has jurisdiction over the subject matter and parties pursuant to 28 U.S.C. §  
5 1367.”); Kamson Defendants’ Answer to Cross-Claims (Dkt. # 33) at ¶ 1 (“Answering paragraph  
6 1 of the Cross-Claims, the Kamson defendants admit that the jurisdictional and procedural basis  
7 for the Cross-Claims are properly alleged.”). Even if plaintiff had attempted to assert admiralty  
8 jurisdiction over his medical malpractice claims, the conduct and activities in which the Kamson  
9 defendants allegedly engaged are not sufficiently related to traditional maritime activities to  
10 trigger admiralty jurisdiction. See, e.g., Sisson v. Ruby, 497 U.S. 358, 362 (1990).

11           Under 29 U.S.C. § 1367(c), the Court has wide discretion in determining whether  
12 to decline to exercise supplemental jurisdiction over state claims after the federal claims have  
13 been dismissed. Although discovery has been completed and a motion for summary judgment is  
14 pending, the remaining state law claims involve medical malpractice, informed consent, and  
15 Consumer Protection Act claims which, as a matter of efficiency, convenience, and comity,  
16 should be resolved by the state courts. Not only do these claims raise purely state law issues,  
17 but there are other cases currently pending against the Kamson defendants in state court that  
18 involve similar claims. The Court therefore declines to exercise its supplemental jurisdiction.  
19 The parties may take steps to expedite the subsequent state court action by jointly petitioning the  
20 state court for an expedited trial schedule.

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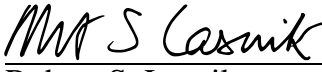
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1 For all of the foregoing reasons, this matter is hereby DISMISSED. The Court  
2 will take no further action on the pending motions.

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4 Dated this 30th day of September, 2008.

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6 Robert S. Lasnik  
7 United States District Judge  
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